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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,819	10/27/2003	Ian A. Gragtman	13563-001/SB	9669

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EXAMINER

NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,819

Applicant(s)

GRAGTMANS, IAN A.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,8,13,15-19,21,22,25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9-12,14,20,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species V: Fig. 11 in the reply filed on 4/12/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). With respect to the applicant's assertion that claims 1-7, 9-12, and 14-26 read on the elected species V, the examiner cannot agree with the applicant in that respect because claim 4 is directed to Fig. 9 and not Fig. 11, claim 7 is directing to Fig. 7, claims 10 and 11 are directing to the description of valve 22 (there are no indication in the specification that valves 22a and 22b are the same as valve 22), claims 15-17 are directing to Figs. 3 and 7, claims 18 and 19 are directed to elements 70, 72 of Fig. 7 (nothing like that in elected species of Fig. 11), claims 21 and 22 are directing to Fig. 10 (there is no indication that the elected species of Fig. 11 can have such structure), and claims 25 and 26 are directing to Figs. 1-3, which is not shown or described in the elected species of Fig. 11. Since valve 22 is described in the specification as the style of valves commonly used in self-closing taps (see line 31 of page 6 to line 1 of page 7), claims 10 and 11 will also be included in this examination. Accordingly, claims 4, 7, 8, 13, 15-19, 21, 22, 25, and 26 are withdrawn from further consideration.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "delay mechanism"

Art Unit: 3751

in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3751

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce.

Pierce discloses a portable, stand-alone wash apparatus for washing the hands and feet of a user, the apparatus comprising a water tank (37); a support frame (10,11) supporting the tank above a surface; and at least one water discharge outlet (39) positioned generally below the tank and in flow communication with the tank. The frame is of sufficient height to provide a cleaning bay generally below the discharge outlet. The cleaning bay is provided with an apertured floor (13) supported by the frame. The discharge outlet comprises a sprinkler head (see Figs. 1 and 2) that appears to have a plurality of dispensing apertures, which could be considered as two or more discharge outlets of claim 23.

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall.

Hall discloses a portable, stand-alone wash apparatus for washing the hands and feet of a user, the apparatus comprising a water tank (32); a support frame (24) supporting the tank above a surface (see col. 1, line 59 et seq.); at least one water discharge outlet (37) positioned generally below the tank and in flow communication with the tank (as shown in Fig. 1); and at least a portion of the tank is of generally transparent material (see col. 1, line 39 et seq.).

6. Claims 1, 2, 5, 9, 12, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Figueroa.

In regard to claims 1 and 2, Figueroa discloses a portable, stand-alone wash apparatus for washing the hands and feet of a user, the apparatus comprising a water tank (5); a support frame (the wall and hanger 14) supporting the tank above a surface (the floor); and at least one water discharge outlet (16) positioned generally below the tank and in flow communication with the tank (see Fig. 1). The frame is of sufficient height to provide a cleaning bay generally below the discharge outlet.

In regard to claim 5, the tank (5) comprises a lid (6) that is of a comparatively large size relative to the tank so that opening the lid provides access to at least a majority of the interior of the tank.

In regard to claim 9, the Figueroa apparatus further comprises a valve (17) positioned upstream of the discharge outlet, the valve being adjustable between open and closed positions where, respectively, flow from the tank to the discharge outlet is allowed and prevented.

In regard to claim 12, the valve (17) is provided with an actuator (18,19) for moving the valve between the open and closed positions.

In regard to claim 20, the discharge outlet comprises a sprinkler head (see Figs. 1 and 2) that appears to have a plurality of dispensing apertures.

In regard to claim 23, the sprayer (16) appears to have two or more discharge outlets.

7. Claims 1, 2, 9, 12, 14, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Terek et al. (hereinafter Terek).

In regard to claims 1 and 2, Terek discloses a portable (it is portable in a way that it is movable to a location of assembly to form a station), stand-alone wash apparatus for washing the hands and feet of a user, the apparatus comprising a water tank (310); a support frame (610) supporting the tank above a surface (the floor); and at least one water discharge outlet (330) positioned generally below the tank and in flow communication with the tank (see Figs. 3 and 6). The frame is of sufficient height to provide a cleaning bay generally below the discharge outlet.

In regard to claim 9, the Terek apparatus further comprises a valve (about 330, see Fig. 3) positioned upstream of the discharge outlet, the valve being adjustable between open and closed positions where, respectively, flow from the tank to the discharge outlet is allowed and prevented.

In regard to claim 12, the valve (about 330) is provided with an actuator (see Fig. 3 and col. 4, line 25 et seq.) for moving the valve between the open and closed positions.

In regard to claim 14, the actuator comprises a pedal (see col. 4, lines 32-33) adapted to be manipulated by the foot of a user.

In regard to claim 20, the discharge outlet comprises a sprinkler head (see Fig. 3) that would, inherently, have a plurality of dispensing apertures.

In regard to claim 23, the Terek apparatus comprises two or more discharge outlets (320, 330).

In regard to claim 24, at least two of the two or more discharge outlets are at different elevations, defining an upper outlet and a lower outlet.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figueroa or Terek in view of the applicant's admittance (see line 31 of page 6 to line 1 of page 7).

Figueroa or Terek discloses a valve but remains silent as to the specific of the valve. As asserted by the applicant, the valve as claimed is a style of valve commonly used in self-closing taps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the valve of either Figueroa or Terek with a common valve as claimed, where in so doing would involve mere substitution of one functional equivalent valve for another and the selection of any of these known equivalents to control water flow would perform equally well on the either Figueroa or Terek device.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farias discloses a foot washer. Dodge, Van Kammen, Rivera, Gunter, and Cordova et al. disclose other portable washing apparatus. Lee discloses the different elevation outlets and the equivalent alternative of hand and foot actuators.

Art Unit: 3751

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751
6/17/05

TN